

1 GREGORY M. SCHULMAN, ESQ.
2 Nevada Bar No. 5766
3 THORNDAL ARMSTRONG DELK
4 BALKENBUSH & EISINGER
5 1100 E. Bridger Avenue
6 Las Vegas, NV 89101
7 Mail To:
8 P.O. Box 2070
9 Las Vegas, NV 89125-2070
10 Tel.: (702) 366-0622
11 Fax: (702) 366-0327
12 E-Mail: gms@thorndal.com

13 Attorneys for Defendant
14 HNJ MIRACLE MILE, LLC

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 BERNADETTE EILEEN KEY, an individual,

14
15 Plaintiff,

16 vs.

17 HNJ MIRACLE MILE, LLC, a Domestic
18 Limited-Liability Company; DOE
19 EMPLOYEES OF HNJ MIRACLE MILE,
20 LLC; DOES I through X; and ROE
21 Corporations I through X, inclusive

22 Defendants.

Case No.: 2:21-cv-1354-JCM-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY**

(FIRST REQUEST)

23 IT IS HEREBY STIPULATED AND AGREED between the parties, through their
24 counsel of record, to extend discovery for good cause shown pursuant to LR IA 6-1. The
25 parties agree to extend discovery deadlines in this matter past their current deadlines. This is
26 the first stipulation for extension of time to conduct discovery.

27 ///

28 ///

I.

DISCOVERY COMPLETED TO DATE

The parties have completed the following discovery:

1. Defendants served their initial and three supplemental FRCP 26 disclosures.
2. Plaintiff served her initial and two supplemental FRCP 26 disclosures.
3. Plaintiff has served, and defendant has responded to, plaintiff's first set of requests to produce, requests for admissions and interrogatories.
4. Plaintiff has served a second set of requests to produce, which responses are not yet due by defendant.
5. Defendant has served, and plaintiff has responded to, defendant's first set of interrogatories, requests for admissions, and first, second and third set of requests to produce.
6. Plaintiff has deposed defendant's NRCP 30(b)(6) witness.

II.

DISCOVERY THAT REMAINS TO BE COMPLETED

1. Plaintiff's deposition.
2. Potential third party witnesses plaintiff identified:
 - a. Felecia Rucker
 - b. Lakisha Rucker
 - c. Lizzie Rucker
 - d. Princess Garrett
 - e. Britney Jordan
 - f. Veda Martin
3. Defendant will need to have plaintiff undergo an FRCP 35 exam.
4. Designate experts.
5. Deposition of experts.
6. Any additional discovery the parties deem necessary.

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

III.

**REASONS WHY DISCOVERY COULD NOT BE COMPLETED WITHIN THE
PARAMETERS OF THE DISCOVERY SCHEDULING ORDER**

The parties have been making good progress in completing discovery. However, additional time is needed due to the general time constraints and calendars of counsel. While substantial progress has been made towards completing discovery, the parties need additional time to conduct additional needed discovery.

This includes an FRCP 35 exam of plaintiff. Plaintiff's counsel has informed defense counsel plaintiff will be in Las Vegas at the end of this year or early next year. In order to minimize plaintiff from having to come back to Las Vegas again for the Rule 35 exam, defendant is going to try to coordinate with a physician to conduct the exam while she is here. However, as this is after the current expert disclosure deadline, a discovery extension is needed to allow the physician to conduct the exam and issue a report before the initial expert disclosure deadline.

Defendant was also going to take this opportunity to depose plaintiff in person. While defense counsel can conduct a Zoom deposition, which admittedly has been the majority of his recent depositions, he would prefer to take the opportunity to depose her in person while she is in Las Vegas.

Finally, defendant has been actively obtaining plaintiff's medical records. While the injury is not the main issue in this case, most of plaintiff's health care providers are outside of Las Vegas, as plaintiff was visiting the city when the incident occurred. Defendant wants to be sure to have all, or at least a majority, of these records prior to taking plaintiff's deposition.

For the foregoing reasons, the parties believe good cause exists for the Court to grant the parties' request for additional time to complete discovery.

///

///

///

///

IV.

PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY

	<u>Current</u>	<u>Proposed</u>
1. Close of discovery:	1/31/22	<u>5/2/22</u>
2. Deadline to file motions to amend pleadings or add parties	11/2/21	Closed
2. Final dates for expert disclosures:		
i. Initial disclosures:	12/2/21	<u>3/2/22</u>
ii. Rebuttal disclosures:	1/3/22	<u>4/1/22</u>
4. Final date to file dispositive motions:	2/28/22	<u>6/1/22</u>

DATED: 11/2/21

GINA CORENA & ASSOCIATES

/s/ Betsy Jefferis-Aguilar

Betsy C. Jefferis-Aguilar, Esq.
Nevada Bar No. 12980
300 S. Fourth Street
Las Vegas, NV 89101
(702) 680-1111

Attorneys for Plaintiff
BERNADETTE EILEEN KEY

DATED: 11/2/21

THORNDAL ARMSTRONG DELK
BALKENBUSH & EISINGER*/s/ Greg Schulman*

Gregory M. Schulman, Esq.
Nevada Bar No. 5766
1100 E. Bridger Avenue
Las Vegas, NV 89101
(702) 366-0622

Attorneys for Defendant
HNJ MIRACLE MILE, LLC

ORDER

IT IS SO ORDERED.

DATED: November 3, 2021


UNITED STATES MAGISTRATE JUDGE